

for preserves; and in that sugar and acid in the case of certain lots, sugar and pectin in the case of certain lots, and sugar, acid, and pectin in the case of certain other lots, had been mixed and packed with the articles so as to reduce or lower their quality and had been mixed with the articles in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles; and in that the statements, "Blackberry Preserves", "Pure Peach Preserves", "Pure Damson Preserves", and "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On September 15, 1936, Jewett & Sherman Co., Milwaukee, Wis., claimant for the two lots of peach preserves seized at Chicago, Ill., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled under the supervision of this Department.

On August 27, 1936, no claimant having appeared for the products seized at Richmond, Va., judgment of condemnation was entered and it was ordered that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26542. Adulteration and misbranding of olive oil. U. S. v. 29 One-gallon Cans, et al., of Alleged Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. & D. nos. 37385, 37414, 37420, 37421, 37422, 37434, 37436, 37479, 37504, 37505. Sample nos. 60925-B, 61229-B, 61230-B, 61233-B, 61234-B, 61778-B, 61779-B, 61784-B, 61785-B, 61788-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a part of which also was short in volume.

On March 18, 24, 27, 28, and April 1, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 246 gallon cans, 64 half-gallon cans, 144 pint cans, and 168 half-pint cans of alleged olive oil in various lots at Newark, Jersey City, Union City, Paterson, and West New York, N. J., alleging that the article had been shipped in interstate commerce between the dates of October 28, 1935, and March 4, 1936, by Arte Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; and in that the following statements and designs appearing upon the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Arte brand) "Superfine Pure Olive Oil Imported Product \* \* \* Puro Olio d'Oliiva Sopraffino prodotto Importato [designs of olive branches, Italian coat of arms, and Italian flag], "Imported Olive Oil"; (Elena brand) "Superfine Quality Elena \* \* \* Pure Olive Oil Imported from Italy", "Qualita Sopraffino Elena \* \* \* Puro Olio D'Oliiva Importato Dall' Italia [design of olive branch]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended \* \* \* Questo Olio D'Oliiva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale", "Imported Olive Oil"; (O Sole Mio brand) "O Sole Mio Virgin Extra Sublime Olive Oil Imported from Lucca-Italy", "O Sole Mio Olio D'Oliiva Vergine Extra Sublime Importato Da Lucca-Italy [design of olive branches]", "O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'Of the Best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. \* \* \* O Sole Mio Olio Di Oliiva Italiano e prodotto con olive scelte della migliore provenienza. Ed e per questo che la qualita e sempre indiscutibilmente superiore. Assolutamente puro sotto ogni rispetto e garantito come tale verso analisi chimica. Non dovete esitare ad usare questo olio di oliva liberamente per la cucina e per insalata. E pure ottimo per uso medicinale"; (Toscana brand) "Italian Product Pure Olive Oil Toscana \* \* \* Choicest Quality", "Prodotto Italiano Puro

Olio D'Oliva Toscano [designs of olive branches and Italian coat of arms]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended \* \* \* Questo Olio D'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale. \* \* \* Imported Olive Oil"; (Caruso brand) "Imported Pure Olive Oil", "Olio D'Oliva Puro Importato", "Pure Olive Oil This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest'olio e garantito assolutamente puro sotto analisi chimica [designs of olive branches, of Italian coat of arms, and of Italian flag]", "Caruso Brand Above All Others"; (Tosca brand) design of an Italian flag, Italian coat of arms, olive trees, and women gathering olives, "Pure Italian Olive Oil \* \* \* Italy \* \* \* Olive Oil Pure Olive Oil \* \* \* This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Dieses Olive Oel ist garantie absolute rein unter chemischer analyse. Cette Huile d'Olives est garantie absolument pure sous analyse chimique. Questo Olio di Oliva e garantito assolutamente puro sotto analisi chimica", "Imported Olive Oil"; (Sparviero brand) designs of olive branches with olives, "Lucca Toscana Italy Virgin Guaranteed Pure Olive Oil Imported from Italy This olive oil is guaranteed to be absolutely pure Recommended for Medicinal and Table Use", "Imported Olive Oil."

The article was in the half-pint cans and a part of that in the half-gallon cans was alleged to be further misbranded in that the statements on the labels, "Net Contents One-half Gallon", "Net Contents Half Pint", and "Contiene Netto Un Sedicesimo", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than the amount declared on the labels; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 8, 1936, Arte Products Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, a consolidated decree of condemnation was entered and it was ordered that the product be released under bond conditioned that it be transferred to drums and labeled "Tea Seed Oil Flavored With Olive Oil", under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**26543. Adulteration and misbranding of olive oil. U. S. v. 77 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation and destruction.** (F. & D. nos. 37425, 37426, 37552, 37594. Sample nos. 52914-B, 52915-B, 61733-B, 61735-B, 68824-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a portion of which was short in volume.

On March 30, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 gallon cans of olive oil at Scranton, Pa. On April 6 and April 16, 1936, libels were filed against 11 half-gallon cans and 30 quart cans of olive oil at St. Louis, Mo.; and 65 gallon cans, 4 half-gallon cans, and 19 quart cans of olive oil at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce in various shipments between the dates of September 28, 1935, and February 24, 1936, by Moscahlades Bros., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co., \* \* \* New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of an olive branch with olives; and the statements "Imported Virgin Olive Oil \* \* \* The Olive Oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. \* \* \* Olio puro d'Oliva Vergine \* \* \* L'Olio di oliva che questa latta contiene, e prodotto da olive accuramente scelte. E garan-